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OFFICE OF PETITIONS

In re Application of :
Hofland, et al. : DECISION REFUSING STATUS
Application No. 10/799,922 : UNDER 37 CFR 1.47(a)
Filed: March 12, 2004 :
Atty. Dkt. No.: 020681-001610 :
For: LIPOSOMAL FORMULATIONS AND :
METHODS OF USE :

This decision is in response to the petition under 37 CFR 1.47(a), filed January 6, 2005.

The petition is **DISMISSED**.

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the legal representative of the deceased inventor. Failure to respond will result in abandonment of the application. Any extensions of time will be governed by 37 CFR 1.136(a).

The above-identified application was filed March 12, 2004 without an executed oath or declaration. Accordingly, a Notice to File Missing Parts of Nonprovisional Application was mailed June 1, 2004 requiring, *inter alia*, an executed oath or declaration and a surcharge.

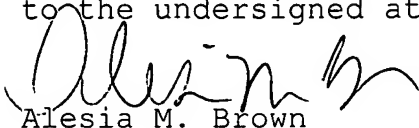
A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor.

The instant petition lacks requirements (1) set forth above. Petitioners allege that inventor H. Hofland refused to sign the

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Telephone inquiries regarding this decision should be directed
to the undersigned at (571) 272-3205.

A handwritten signature in black ink, appearing to read 'Alesia M. Brown', with a stylized flourish at the end.

Alesia M. Brown
Petitions Attorney
Office of Petitions